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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,621	12/28/2004	Luc Desnoyers	P1918R1	9135

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EXAMINER	
GAMETT, DANIEL C	
ART UNIT	PAPER NUMBER
1647	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
31 DAYS	03/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/519,621	DESNOYERS ET AL.	
	Examiner	Art Unit	
	Daniel C. Gamett, PhD	1647	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *1* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 December 2004*.

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-30* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 1,7, 9, 13, and 14 in part, and claims 2-4, 11, 12, and 22-29, drawn to anti-WISP-1 antibodies and a method of inhibiting or neutralizing WISP-1 induction or secretion of HAS2, HA, CD44 or RHAMM in mammalian cells, comprising exposing said mammalian cells to a WISP-1 antibody .

Group II, claims 1,7, 9, 13, and 14, in part, and claims 5 and 6, drawn to a WISP-1 immunoadhesin and a method of inhibiting or neutralizing WISP-1 induction or secretion of HAS2, HA, CD44 or RHAMM in mammalian cells, comprising exposing said mammalian cells to a WISP-1 immunoadhesin.

Group III, claims 1,7, 9, 13, and 14, in part, drawn to a WISP-1 variant and a method of inhibiting or neutralizing WISP-1 induction or secretion of HAS2, HA, CD44 or RHAMM in mammalian cells, comprising exposing said mammalian cells to a WISP-1 variant.

Group IV, claims 13, 14 in part, drawn to a method of inhibiting or neutralizing WISP-1 induction or secretion of HAS2, HA, CD44 or RHAMM in mammalian cells,

comprising exposing said mammalian cells to a WISP-1 polypeptide linked to a nonproteinaceous polymer selected from the group consisting of polyethylene glycol, polypropylene glycol, and polyoxyalkylene.

Group V, claims 15-17, 20, 21 and 30 in part, and claims 18 and 19, drawn to a method of treating cancer in a mammal, comprising administering to said mammal an effective amount of an anti-WISP-1 antibody.

Group VI, 15-17, 20, 21 and 30 in part, drawn to a method of treating cancer in a mammal, comprising administering to said mammal an effective amount of a WISP-1 immunoadhesin.

Group VII, 15-17, 20, 21 and 30 in part, drawn to a method of treating cancer in a mammal, comprising administering to said mammal an effective amount of a WISP-1 variant .

2. The inventions listed as Groups I-VII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

3. PCT Rule 13.3 states that the determination whether a group of inventions is so linked as to form a single general inventive concept shall be made without regard to whether the inventions are claimed in separate claims or as alternatives within a single claim. Claim 1 recites three alternatives, each with a special technical feature not shared either of the other two, indicated by their specific structures. Therefore, claim 1 recites three groups of

products. Group I comprises the first recited product and the first recited method of using the product.

4. Group I recites the special technical feature, inhibiting or neutralizing WISP-1 induction or secretion of HAS2, HA, CD44 or RHAMM in mammalian cells, comprising exposing said mammalian cells to a WISP-1 antibody, which is not required by the methods of Groups II-VII.
5. Group II recites the special technical feature, inhibiting or neutralizing WISP-1 induction or secretion of HAS2, HA, CD44 or RHAMM in mammalian cells, comprising exposing said mammalian cells to a WISP-1 immunoadhesin, which is not required by the methods of Groups I or III-VII.
6. Group III recites the special technical feature, inhibiting or neutralizing WISP-1 induction or secretion of HAS2, HA, CD44 or RHAMM in mammalian cells, comprising exposing said mammalian cells to a WISP-1 variant, which is not required by the methods of Groups I, II, or IV-VII.
7. Group IV recites the special technical feature, a nonproteinaceous polymer selected from the group consisting of polyethylene glycol, polypropylene glycol, and polyoxyalkylene, which is not required by the methods of Groups I-III or V-VII.
8. Group V recites the special technical feature, treating cancer in a mammal, comprising administering to said mammal an effective amount of an anti-WISP-1 antibody, which is not required by the methods of Groups I-IV , VI, or VII.

9. Group VI recites the special technical feature, treating cancer in a mammal, comprising administering to said mammal an effective amount of a WISP-1 immunoadhesin, which is not required by the methods of Groups I-V or VII.

10. Group VII recites the special technical feature, treating cancer in a mammal, comprising administering to said mammal an effective amount of a WISP-1 variant, which is not required by the methods of Groups I-VI.

11. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Monoclonal antibodies

a) 3D11,
b) 11C2,
c) 9C10,
d) 5D4;
e) 9C11

anti-WISP-1 antibody binds:

f) amino acids encoded by the sequences of SEQ ID NO:3,
g) amino acids encoded by the sequences of SEQ ID NO:4,
h) amino acids encoded by the sequences of SEQ ID NO: 5,
i) amino acids encoded by the sequences of SEQ ID NO:6,
j) amino acids encoded by the sequences of SEQ ID NO:7,
k) amino acids encoded by the sequences of SEQ ID NO:8,
l) amino acids encoded by the sequences of SEQ ID NO:9,
m) amino acids encoded by the sequences of SEQ ID NO:10,
n) amino acids encoded by the sequences of SEQ ID NO:11

12. The claims are deemed to correspond to the species listed above in the following manner: Species a-e, claims 22-28. Species f-n, claims 3, 11, 18.

13. The following claim(s) are generic: 1-4, 7-9, 10-21, 29, and 30.

14. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: Each antibody has the special technical feature of binding to an epitope that is not shared by another antibody.

15. Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

16. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

17. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

18. The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

19. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel C Gamett, Ph.D.,whose telephone number is 571 272 1853. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brenda Brumback can be reached on 571 272 0961. The fax phone number for the organization where this application or proceeding is assigned is 571 273 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DCG
Art Unit 1647
7 March 2007

Daniel Romeo
SUPERVISORY PATENT EXAMINER